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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 JENNIFER ECKHART and CATHY AREU,

5 Plaintiffs,

6 v.

20 Civ. 5593 (RA)

7 FOX NEWS NETWORK, LLC, ED HENRY,
8 et al.,

9 Defendants.

Status Conference
(Via Teleconference)

10 -----x

August 28, 2020
10:00 a.m.

11 Before:

12 HON. RONNIE ABRAMS,

District Judge

13 APPEARANCES

14 WIGDOR LLP

Attorneys for Plaintiff Jennifer Eckhart

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Attorneys for Plaintiff Cathy Areu

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(Case called)

THE COURT: If counsel for plaintiff could please state their appearances.

MR. WILLEMIN: This is Michael Willemin from Wigdor LLP. I'm joined by my colleague Renan Varghese, who will be muted, and we represent plaintiff Jennifer Eckhart.

THE COURT: All right. Good morning to you.

MR. WILLEMIN: Good morning, your Honor.

MR. VAGNINI: Good morning, your Honor. This is James Vagnini and I'm with Matthew Berman, on behalf of Catherine Areu, as well as my partners Sara Kane and Robert Valli, who will be muted.

THE COURT: All right. Good morning to you as well.

MR. VAGNINI: Good morning.

THE COURT: I have of course granted that motion to substitute counsel.

And yes, for defendants, please?

MS. McKENNA: Yes, your Honor. This is Kathleen McKenna from Proskauer Rose. I am joined by my partner Lloyd Chinn. We represent Fox News Network, LLC, Tucker Carlson, Sean Hannity, and Howard Kurtz.

THE COURT: All right. Good morning to you.

COUNSEL: Good morning, your Honor.

MS. FOTI: Your Honor, this is Catherine Foti from the law firm of Morvillo, Abramowitz, Grand, Iason, & Anello,

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1 representing Ed Henry. My partner Elkan Abramowitz is also
2 appearing, as well as an associate Douglas Chalke; and my
3 co-counsel Jayne Weintraub is also on.

4 THE COURT: All right. Good morning to all of you as
5 well.

6 COUNSEL: Good morning.

7 THE COURT: All right. So first of all, I just want
8 to remind everyone that this is a public line. It's available
9 to the press and the public. No recordings are permitted.

10 I've reviewed your letters and the proposed case
11 management plan, and of course the complaint. But since we're
12 meeting for the first time, if any of you would like to tell me
13 anything else about the case or like to be heard, I'm happy to
14 hear you out. If not, we'll talk about scheduling.

15 MR. WILLEMIN: This is Michael Willemin on behalf of
16 Ms. Eckhart.

17 I don't know if your Honor has any specific questions.
18 We certainly don't feel the need to recite what's laid out in
19 the complaint, so nothing further from us unless you have any
20 questions you'd like answered.

21 THE COURT: I don't. I don't. Thank you.

22 MR. VAGNINI: Same here, your Honor. James Vagnini on
23 behalf of plaintiff Areu.

24 THE COURT: Okay. And from the defendants'
25 perspective?

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1 MS. McKENNA: Your Honor, this is Kathleen McKenna for
2 the Fox News Network defendants.

3 I'm a little surprised and puzzled, I guess, by the
4 silence from plaintiffs' counsel, since we had received inquiry
5 from plaintiffs last night with respect to our consenting to
6 their request to sever Ms. Areu from Ms. Eckhart. If there
7 isn't going to be an application to sever, then we needn't
8 concern ourselves because I think, as your Honor knows, on
9 Wednesday evening, after the Fox defendants had opposed the
10 request for an extension of the 21 days for Rule 11 withdrawal,
11 the Wigdor firm had filed a five-page, single-spaced, publicly
12 filed letter opposing the defendants' Rule 11 motion that we
13 have not yet permitted to file, and that opposition did not
14 accurately represent the defendants' motion, and asking whether
15 or not there would be a severance. Obviously the defendants
16 don't think there should be a severance, but we don't think
17 these two plaintiffs should be joined together, as we indicated
18 to the Wigdor firm when we sent our Rule 11 motion. Ms. Areu's
19 factual allegations are false; they were known to her to be
20 false when she filed it; they were knowable to be false by the
21 Wigdor firm. They nevertheless filed the complaint and
22 publicly reported on it. There is no legal basis for it to be
23 filed because Ms. Areu doesn't have a single federal claim.
24 That plus the backdrop of how the matter came to be filed
25 convinces the defendants that the Wigdor firm had stitched

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1 these two clients together for an improper purpose, and it was
2 for that reason that we filed the robust Rule 11 motion on
3 August 7th.

4 We now find ourselves in a posture where this is sort
5 of like a hit-and-run accident, your Honor, and we need sort of
6 your help here. We don't think the two plaintiffs should be
7 joined together because it's the position of the Fox defendants
8 that Ms. Areu doesn't have a factual or legal basis to be
9 before you at all. Of course if it were severed, there would
10 be no -- as of today, there would be no basis for a federal
11 jurisdiction and the case would have to be dismissed today.
12 But whether or not the matter is continued or severed, it is
13 the position of the Fox defendants that plaintiff and her
14 counsel, the Wigdor firm, abused Rule 11, and the defendants
15 are going to maintain their right to seek sanctions under
16 Rule 11 against Ms. Areu and Wigdor for its actions when the
17 Wigdor firm was of counsel. Defendants very strongly feel,
18 your Honor, that they have the right to hold plaintiff and her
19 counsel accountable for the very public damage that's been done
20 to the company and its public personalities under the cloak of
21 judicial privilege.

22 And as we also foreshadowed in the preliminary
23 scheduling letter to you, it is the intention of the
24 defendants, separate and apart from the Rule 11 filing, to file
25 a motion to dismiss both as it relates to Ms. Eckhart and to

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1 Ms. Areu. I wanted to disclose to your Honor the recency of
2 the communications with plaintiffs on the status of this.

3 THE COURT: Thank you for that.

4 You won't be surprised to hear I'm obviously not going
5 to decide a motion for sanctions without full briefing on the
6 issue, but I do want to hear plaintiffs out on the notion of
7 severance, that piece.

8 MR. VAGNINI: Yes, your Honor. This is James Vagnini.
9 I can address that.

10 So we have discussed that as an issue. First and
11 foremost, we will be responding by the deadline you have given
12 us to respond with an amended complaint, which will address all
13 of the issues that defendants have raised, including
14 jurisdiction issues. We do believe there's a Title VII claim
15 for Ms. Areu. Pending -- the EEOC request for the right to sue
16 letter is pending. We have filed numerous actions in a similar
17 fashion and for purposes of --

18 THE COURT: Can I stop you there, actually.

19 MR. VAGNINI: Sure.

20 THE COURT: I did want to hear about the timing with
21 respect to the EEOC. Do you have a sense of the status of
22 those claims and any sense of timing? And that question
23 applies to both plaintiffs.

24 MR. VAGNINI: Sure. For plaintiff Areu, we have been
25 in touch with the EEOC. They're processing our request for the

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1 right to sue letter, and in our experience for decades now,
2 once EEOC is aware there's litigation pending, it's an
3 automatic process to issue the right to sue so there's not a
4 duplication of efforts and work. So we do hopefully expect to
5 have -- I would like to have it by the time we amend the
6 complaint, your Honor, but it may be shortly after that.

7 MS. FOTI: Your Honor, if I can interrupt. I'm very
8 sorry. For some reason I was kicked off about a minute ago so
9 I'm sorry, I just missed what happened after -- I heard
10 Ms. McKenna, what she said, but I didn't hear what was said
11 after that.

12 THE COURT: Okay. If you could actually just repeat
13 what was said.

14 I was asking about timing with respect to the EEOC
15 claims, but if, counsel, you can repeat what you said.

16 MR. VAGNINI: Sure.

17 We would like and expect to hopefully have the right
18 to sue letter by the time our amendment is filed. If not, I
19 would anticipate a few weeks after that. Generally when EEOC
20 is aware that there's pending litigation, they expedite, you
21 know, the issuance of the right to sue letter so as not to
22 duplicate efforts, knowing that a plaintiff is already pursuing
23 claims in court.

24 Separate and apart from that, your Honor, I want to
25 note that there is also diversity jurisdiction on behalf of

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1 Ms. Areu, at least. She's a resident of Florida, not New York.
2 So in the event there were a separation, we would believe we
3 would meet the diversity requirements for federal jurisdiction
4 as well, but that's something Mr. Willemin and I have
5 discussed. We do think it might be best at some point to
6 have -- we were essentially waiting until the amended complaint
7 and then discussed this issue of separating the cases out while
8 at the same time, you know, not wasting defendants' time or
9 your time, your Honor, in elaborating and having to join
10 discovery schedules, keeping to the same deadline, so there
11 will be some overlap, but as the defendants have noted, there
12 are claims that Ms. Areu has that have nothing to do with
13 plaintiff Eckhart's and vice versa. So that is something we do
14 intend to raise with you at some point. I thought it would be
15 clearer once we amended the complaint, but we're happy to
16 address that now as well.

17 THE COURT: Okay. So you'd rather talk about the
18 issue of severance after the filing of the amended complaint,
19 but you're prepared to talk about it now? I just want to make
20 sure I'm on the same page.

21 MR. WILLEMIN: Your Honor, this is Michael Willemin
22 from Wigdor.

23 I don't know that that's what Mr. Vagnini intended,
24 but I will say that from Ms. Eckhart's perspective, it's our
25 view that, given that counsel has now been substituted, that

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1 the cases should be severed, if your Honor is amenable to that,
2 prior to the filing of the amended complaint, because the
3 amended complaint is going to necessarily -- if we don't sever,
4 then it's necessarily going to be a two-plaintiff complaint,
5 and I don't intend to have Ms. Eckhart amend her claims until
6 we receive whatever -- if at all -- until we receive whatever
7 responsive pleadings we get.

8 THE COURT: The EEOC notice of right to sue?

9 MR. WILLEMIN: Well, right to sue --

10 THE COURT: Sorry. Go ahead.

11 MR. WILLEMIN: No. The right to sue, actually -- I
12 mean, if there's a motion to dismiss with respect to
13 Ms. Eckhart's claims, we just want to make sure we've preserved
14 our ability to amend as of right, so I'd rather not have a
15 second filing with a two-plaintiff case if we're going to sever
16 it anyway and complicate that. I'd rather just sever it now.

17 And Ms. Eckhart has federal jurisdiction. I'm not
18 going to respond to the stuff that Ms. McKenna said because I
19 don't think it's fruitful, but I do think it's important to
20 note, as Mr. Vagnini said, that Ms. Areu has diversity
21 jurisdiction in this case. So the idea that we lack -- that we
22 combined these cases for some improper purpose is just based on
23 a total -- I mean, it's just wrong, but it's also based on the
24 false assumption that Ms. Areu couldn't have brought her own
25 federal case. She could have brought her own federal case. I

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1 thought the cases were appropriate to be brought together given
2 the significant overlap in claims with relation to Mr. Hannity.

3 So in any event, that's just the only thing that I'll
4 respond to, because the rest I didn't think merited response.

5 THE COURT: So Mr. Vagnini, let me go back to you. Do
6 you have any objection to severing the two cases? I'll let you
7 know that even if I were to sever the cases, I would keep them
8 both as related cases and, to the extent that they move to
9 discovery, would have them on parallel tracks.

10 MR. VAGNINI: Then we have no objection to that, your
11 Honor.

12 THE COURT: All right. And can I hear from defense
13 counsel with respect to the motion to sever.

14 Ms. McKenna, I think you said you consented to that,
15 but I want to confirm that.

16 MS. MCKENNA: Oh, and I did not, your Honor.

17 THE COURT: Okay. I'm sorry that I misheard you.

18 MS. MCKENNA: That's okay. I'm sure it was my fault.

19 The problem with severing, your Honor, is that it
20 suggests that we think that these claims were properly brought
21 in the first place. Areu does not belong in federal court.
22 One, she does not have currently a Title VII action; and
23 irrespective of Mr. Vagnini's representations that a charge has
24 been filed -- I accept the representation that the charge has
25 been filed, although we have not received it -- we do not

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1 believe that the EEOC now could issue a right to sue. And the
2 courts have dismissed federal claims under Title VII when the
3 administrative remedies under the act were not exhausted, as
4 they would not be if a right to sue letter is going to be
5 issued in the imminent future.

6 Second, with respect to Mr. Vagnini's representation
7 that there's diversity jurisdiction, that surprises us, because
8 the complaint says that Ms. Areu is a New York resident. If
9 there's been a change in her residency, we can address whether
10 or not there's complete diversity here, but that's not what the
11 complaint says.

12 With respect to Ms. Eckhart, I am not surprised that
13 the Wigdor firm would be happy to see a severance because the
14 more they can distance themselves from the false things that
15 were said, factually and legally in the complaint, the better
16 for them under Rule 11.

17 Rule 11, we know, your Honor, is a very serious motion
18 to make -- very serious -- and we have been scrupulous about
19 not revealing to the Court, not presenting to the Court under
20 Rule 11, because we are not allowed to, the basis for our
21 Rule 11 motion until the expiration of the 21 days.
22 Notwithstanding that, on two occasions -- in the initial
23 scheduling order to your Honor and in the letter filed
24 Wednesday evening -- the Wigdor firm has purported to argue
25 this motion incompletely and inaccurately. We want to preserve

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1 our right, your Honor, to file our Rule 11, because as I am
2 hearing Mr. Willemin, he has no intention of amending his
3 complaint and wants to pass the hot potato to Mr. Vagnini. If
4 Mr. Vagnini wishes to accept the hot potato, Ms. Areu, that is
5 okay, but we want to be very clear that both counsel are going
6 to be on the hook for what gets said in the current complaint
7 and the first amended complaint, and so long as the defendants
8 are not seen as waiving their right to move under Rule 11
9 against Ms. Areu and against her counsel, we leave it to your
10 Honor to manage the docket.

11 THE COURT: All right. I'm happy, Ms. Foti, or
12 Mr. Abramowitz, if you want to be heard on the severance issue
13 and how that may affect a Rule 11 motion. I'm happy to hear
14 you out on that.

15 MS. FOTI: Your Honor, yes. It's Catherine Foti.

16 First of all, Mr. Henry denies the allegations, all
17 allegations from both plaintiffs.

18 We don't take a position on whether or not it should
19 be severed. We leave that up to your Honor's discretion. But
20 our concern is that Mr. Henry has been -- his reputation has
21 been seriously damaged. He, you know, needs to get his life
22 back on track. And we believe discovery will show that these
23 allegations are false, so we are anxious to go forward with
24 discovery. And to the extent there's a limitation because of
25 the need to amend Ms. Areu, you know, we would object to any

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1 change in the case management plan other than what we've agreed
2 to, which was pushing out discovery demands until
3 September 11th. We would reject any further delays, or object
4 to any further delays in getting discovery on track. So we
5 leave it to your Honor to manage that, but that is our
6 position.

7 THE COURT: But Mr. Henry also plans to file a motion
8 to dismiss with respect to both plaintiffs, correct?

9 MS. FOTI: That is correct, your Honor. We have
10 various motions to dismiss -- failure to state claims, statute
11 of limitations. That said, we understand the delay in terms
12 of, you know, filing motions to dismiss, especially in, you
13 know, a case like this, and Mr. Henry is being prejudiced, and
14 there is in fact certainly an understanding that under Rule 26,
15 discovery should go forward unless there is a basis for a stay
16 established, and the plaintiffs agree that discovery should go
17 forward notwithstanding the motion to dismiss, so we think
18 discovery should go forward.

19 THE COURT: I understand. I mean, my understanding is
20 that the Fox News defendants believe that there should be a
21 stay pending resolution of the motions to dismiss. Is that
22 correct, Ms. McKenna?

23 MS. McKENNA: Yes, your Honor, very strongly.

24 THE COURT: Okay. Let me just go back to plaintiffs'
25 counsel.

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1 If I were to sever the two cases, what's your position
2 with respect to how that would affect the Rule 11 motion, if at
3 all?

4 MR. WILLEMIN: Your Honor, this is Michael Willemin
5 from Wigdor.

6 I don't think that the severance impacts the Rule 11
7 motion. I mean, we laid out our position in the letter that we
8 sent in on Wednesday evening. I will note that all -- to what
9 Ms. McKenna said is true. A Rule 11 motion is a very serious
10 motion, and this one was done with such flippancy, it's
11 unbelievable. The motion is groundless. It's not been
12 misrepresented in the letter we sent to the Court, as your
13 Honor will see when the motion is actually filed. Ultimately,
14 I don't believe that the motion can be made against the Wigdor
15 firm for the reasons that we laid out. My hands literally are
16 tied now. This is not a situation where I got a Rule 11
17 motion, dumped the client and said, I don't want to deal with
18 this anymore; this is a situation where we got a Rule 11
19 motion, I felt very strongly it was frivolous, I was in the
20 process of filing an amended complaint to add a claim of
21 retaliation against Fox for sending the Rule 11 motion, and
22 then my client retained other counsel.

23 The Rule 11 process requires that any individual or
24 firm that's the subject of a Rule 11 motion have the safe
25 harbor period. In this case, I don't have the safe harbor

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1 period. Our firm doesn't have the safe harbor period. So we
2 don't think, whether the cases are severed or not, that the
3 motion can be filed against us. If Ms. McKenna really
4 believes -- which I don't think she does, but if she really
5 believes that we intentionally filed frivolous litigation
6 knowing that it was false, she can take that up with the
7 disciplinary committee. But she can't, in my view, take that
8 up under Rule 11 because the procedural requirements and due
9 process won't be met. So in our view, it can't be made against
10 us regardless of whether it's severed.

11 However, I would concede that if your Honor is of the
12 view that it can be made against us or somehow can be granted
13 against us, notwithstanding what I've just laid out, I don't
14 think that severance -- I'm not trying to sever the case to
15 save myself. I think severance makes sense in the case, and I
16 don't think that just because I sever it, I'm off the hook for
17 what was on the original complaint, which was completely
18 properly pled. So I don't think severance impacts the Rule 11
19 motion, but I think it can't be made against us for other
20 reasons.

21 THE COURT: All right. So I'm going to go back to
22 you, Ms. McKenna. Given what Mr. Willemin just said and what
23 I'm hearing him to say, that whether or not the case is severed
24 shouldn't play into the decision with respect to the Rule 11
25 motion, do you have any objection to severance?

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1 MS. McKENNA: We have an objection to severance only,
2 your Honor, if it means that the Areu case continues before
3 you, because if it's severed today, there's no federal
4 jurisdiction and her claims should be dismissed.

5 And further, your Honor, it is the position -- I don't
6 want to mislead the Court. It is the position of the Fox
7 defendants, notwithstanding what Mr. Willemin said, that they
8 cannot engage in the hit-and-run tactics they engaged in here.
9 They cannot publicly file bold statements, then say, uh, I'm
10 not the counsel anymore, I'm not responsible.

11 THE COURT: Okay.

12 MS. McKENNA: So the Fox defendants will be seeking
13 relief before your Honor. If your Honor is going to sever them
14 today, then it seems to me Ms. Areu has to be dismissed,
15 because we have no basis for federal jurisdiction.

16 THE COURT: All right. So I'm not going to sever them
17 today. It seems like there are issues that need to be sorted
18 out. I have already granted Ms. Areu until September 11th to
19 amend her complaint, and particularly in light of the fact that
20 her counsel has asserted that there's also diversity
21 jurisdiction, I want to wait and see what that amended
22 complaint looks like.

23 MS. McKENNA: Understood, your Honor.

24 THE COURT: So I think that that's the best course of
25 action. We'll get the amended complaint. I'm not going to

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1 sever the cases today. And when you get it, I'm happy to have
2 another conference or I'm happy for you all to respond to the
3 complaint at that time. I mean, I also think, frankly, it
4 makes sense to get the amended complaints and see where we are
5 with respect to severance before I decide on a stay. So I
6 think we need to do things one step at a time, and I think that
7 that's what makes most sense.

8 Does anyone else want to be heard on that?

9 So we're going to wait until September 11th; we're
10 going to get the amended complaint. Do you want to have a
11 conference after that, or should I have a conference after I
12 get the responsive pleadings?

13 MR. WILLEMIN: Your Honor, this is Michael Willemin
14 from Wigdor.

15 I have no problem with that plan, and I think we
16 should have -- my view, we should have a conference after the
17 responsive pleadings come in, although I'm open to either way.
18 My only two questions about the plan are: (A) is there going
19 to be essentially an effective stay at this point, meaning
20 we're not going to turn over initial disclosures or be
21 permitted to serve discovery requests; and (B) -- well, I guess
22 the other issue is that if there's an amended complaint.

23 THE COURT: So the answer to that is yes, until we
24 meet again to address these issues, because I have before me
25 pending a request to stay discovery. So the answer to the

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1 first question is yes. And your second question?

2 MR. WILLEMIN: Yes. The second question is, if the
3 amended complaint gets -- I understand your Honor's rules,
4 generally speaking, require or provide for a certain time
5 period after receipt of a motion to dismiss to indicate to the
6 other side whether an amendment is going to be made, and if
7 this complaint gets amended as a two-plaintiff complaint, given
8 that Ms. Eckhart wouldn't want to amend it at this time, I just
9 want to make sure that we're not going to be waiving our right
10 to have that amendment following the receipt of a motion to
11 dismiss if there are any additional allegations we need to add
12 to address any arguments made in the motion to dismiss.

13 THE COURT: That's correct; you will not be waiving
14 that right.

15 MR. WILLEMIN: Thank you.

16 MS. FOTI: Your Honor, Catherine Foti.

17 THE COURT: Yes.

18 MS. FOTI: Could I just request, respectfully, an
19 amendment to the temporary stay. Again, Mr. Henry is
20 undergoing tremendous difficulties in terms of, you know, the
21 assault on his reputation here. The gentleman needs to get his
22 life back, needs to get his reputation back, needs to get a
23 job. I certainly understand what you're saying about the, you
24 know, stay pending, request for a stay, but my question is
25 whether or not we could at least go forward with requests for

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1 documents and requests for interrogatories without requiring an
2 actual production of documents or even response; at least get
3 those things out, exchanged, so that, you know, when the
4 amendment comes in, we can hit the ground running, really. I'm
5 just telling you, this is a real burden on Mr. Henry, not
6 even -- in terms of process here, he's ready to respond to both
7 plaintiffs, and he's ready to engage in discovery on this with
8 both plaintiffs.

9 THE COURT: Right. But he's also filing a motion to
10 dismiss. I fully appreciate his desire to move this case along
11 as soon as possible, and I'll commit to you that I'll try and
12 move this case along as quickly as I can as well, but I really
13 don't think that makes sense. I think it makes more sense to
14 get the amended complaints and see where we are. As I said,
15 what I am flexible about is when we meet again. If we meet
16 again after I get the responsive pleadings, which probably
17 makes more sense because one of the factors that plays into a
18 request for a stay is, you know, the strength of the
19 dispositive motions, so I think, frankly, I'll be in a better
20 position to assess that after I receive the motions. So I
21 think what should happen is, we'll get the amended complaint on
22 September 11th, we'll get the responsive pleadings, and I'll
23 have a conference promptly after that. If anyone wants to
24 submit anything in writing with respect to the requests for the
25 stay, you're welcome to do so. It's not necessary. I feel

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1 like I have an understanding, based on the information I've
2 received so far, as to your positions as to why a stay is or is
3 not necessary and appropriate in this case. But that's what I
4 think the best way to proceed is. So I'm going to deny that
5 request.

6 MS. FOTI: All right. Thank you, your Honor.

7 THE COURT: Are there any other applications?

8 Yes, please.

9 I'm sorry. Who would like to be heard?

10 MS. FOTI: I was just saying thank you, your Honor,
11 for hearing me out before. That's all.

12 THE COURT: All right.

13 MR. VAGNINI: Your Honor, this is James Vagnini.

14 THE COURT: Yes.

15 MR. VAGNINI: I agree completely with that plan. It
16 makes sense, particularly since we'll be amending and -- we
17 will be amending.

18 I also just want to clarify as to some references -- a
19 lot of things have been said that are inflammatory. I'm not in
20 the business of lawyer bashing in any way, shape, or form, and
21 the reference to Wigdor passing my client over as a "hot
22 potato," to the extent it indicates that there's something
23 wrong, that's the furthest thing from the truth. Ms. Areu has
24 a right to obtain counsel in this situation, and I absolutely
25 understand why it should be no reflection on what the Wigdor

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1 firm filed, has done, and I just take note that those types of
2 comments on the line like this is to me inappropriate.

3 THE COURT: All right. Thank you.

4 Anything else?

5 Mr. Willemine, is there anything else you wanted to say
6 today?

7 MR. WILLEMINE: No, your Honor.

8 THE COURT: Okay. So just to be clear, I'm not
9 entering the case management plan today. I'm going to get an
10 amended complaint by September 11th, and I will hold a
11 conference promptly after receiving the responsive pleadings to
12 that amended complaint, and then I will promptly decide the
13 issue with respect to severance, to the extent that request is
14 still being made, and with respect to the request to stay
15 discovery pending the motions to dismiss that are anticipated.
16 And then we'll move on from there. I understand that we have
17 the Rule 11 motion as well. But that's where we are.

18 Thank you all for participating today by telephone,
19 and stay safe, everyone.

20 ALL COUNSEL: Thank you, your Honor.

21 o0o